

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELBERT BUTLER, III,

Plaintiff,

v.

GENESEE COUNTY ROAD COMMISSION,

Defendant.

Case No. 12-12817

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff Elbert Butler, III, filed an eight-count complaint in this court June 26, 2012, alleging the following causes of action: Count I, violations of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12112; Count II, violations of Michigan's Persons with Disabilities Civil Rights Act ("PDCRA"), Mich. Comp. Laws Ann. §§ 37.1201 *et seq.*; Count III, race discrimination pursuant to Title VII, 42 U.S.C. § 2000e-2; Count IV, race discrimination under Michigan's Elliott-Larsen Civil Rights Act ("ELCRA"), Mich. Laws Comp. Ann. §§ 37.2101 *et seq.*; Count V, retaliation under the ADA; Count VI, retaliation under the PDCRA; Count VII, retaliation under Title VII; and Count VIII, retaliation under the ELCRA.

Although Plaintiff's causes of action arising under federal statutes are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based solely on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in order to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

ORDER

It is hereby **ORDERED** that Counts II, IV, VI, and VIII are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: September 7, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, September 7, 2012, using the ECF system.

s/William Barkholz
Case Manager